

# NEWS RELEASE

UNITED STATES ATTORNEY'S OFFICE  
318 South Sixth Street  
Springfield, IL 62701  
Tel: 217/492-4450

RODGER A. HEATON  
U.S. ATTORNEY  
CENTRAL DISTRICT OF ILLINOIS



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Contact: Eugene L. Miller  
Assistant U.S. Attorney  
(217) 373-5875

## **Grand Jury Charges Three Kankakee Area Men with Firearms Offenses in Separate Indictments Under Project Safe Neighborhoods**

Springfield, IL- Rodger A. Heaton, United States Attorney for the Central District of Illinois, announced that a federal grand jury has returned indictments charging three Kankakee area men with firearms offenses in separate, unrelated cases. The three cases are being prosecuted by Assistant U.S. Attorney Eugene L. Miller under Project Safe Neighborhoods.

**Frank J. Higgins**, age 33, 649 ½ North Wildwood, Kankakee, Illinois, is charged with three counts of distribution of cocaine; one count possession of 500 grams or more of cocaine with intent to distribute, and being a felon in possession of a firearm. The indictment alleges that on November 16, 2006, Higgins distributed and possessed with intent to distribute 500 grams or more of cocaine. Further, Higgins allegedly possessed a firearm, a nine-millimeter semi-automatic pistol, also on November 16, 2006, after having been previously convicted of a felony crime. The indictment also charges Higgins with distribution of cocaine on two other occasions: October 24, 2006, and December 12, 2003.

Higgins is currently in law enforcement custody in Kankakee county, Illinois. If convicted of the offenses of distribution and possession with intent to distribute 500 grams or more of cocaine, with a prior felony drug conviction, the statutory penalty is a mandatory minimum 10 years in prison to life. For possession of a firearm as a felon, the maximum penalty is 10 years in prison.

The case was investigated by KAMEG and the Drug Enforcement Administration.

**Gene Sutton, Jr.**, age 26, of 333 N. Russell Road, Hopkins Park, Illinois, has been charged with distribution and with possession with intent to distribute 50 grams or more of cocaine, and with being a felon in possession of a firearm. The indictment alleges that on December 14, 2006, Sutton carried a firearm, a nine-millimeter semi-automatic pistol, during and in relation to the drug trafficking offenses.

Sutton was arrested on December 14, 2006 and charged in a federal criminal complaint. Sutton has been ordered detained in the custody of the U.S. Marshals Service pending trial.

If convicted of the drug offenses, each count carries a statutory mandatory minimum penalty of 10 years to life imprisonment. For carrying a firearm in relation to a drug trafficking offense, the mandatory minimum penalty is five years imprisonment to life to be served consecutive to any sentence imposed for the underlying drug trafficking offense.

The case was investigated by KAMEG and the Drug Enforcement Administration.

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**Derrick Brewer**, age 37, of 1763 Sunnyside Avenue, Kankakee, Illinois, has been charged with possession of a firearm, a .40 caliber semi-automatic revolver, by a felon, on December 20, 2006, in Kankakee county, Illinois.

Brewer was arrested on December 20, 2006, and charged in a federal criminal complaint. He has been ordered detained in the custody of the U.S. Marshals Service pending trial.

The affidavit filed in support of the criminal complaint alleges Brewer possessed the firearm as a result of a "straw purchase," which resulted in another individual purchasing the firearm in December 2006 with the intent to give the handgun to Brewer. According to the affidavit, Brewer has numerous prior felony convictions in Kankakee county including the following: home invasion, armed robbery and unlawful use of a weapon by a felon; aggravated battery with a firearm; unlawful use of a weapon by a felon; and aggravated battery.

If convicted, Brewer faces a mandatory minimum 15 years in prison to life.

The case was investigated by the Kankakee Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

Members of the public are reminded that an indictment is merely an accusation; the defendants are presumed innocent unless proven guilty.

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